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Held at Headquarters, New York, on Tuesday, 8 November 2005, at 10 a.m.

Chairman: Mr. Gujadhur (Vice-Chairman) ..... (Mauritius)
later: Mr. Aliyev (Chairman) ..... (Azerbaijan)

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In the absence of the Chairman, Mr. Gujadhur (Mauritius), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 31: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (*continued*) (A/60/294, A/60/295, A/60/296, A/60/297, A/60/298 and A/60/380)

1. **Mr. Gidor** (Israel) drew attention to his Prime Minister's statement that Israel was ready to make painful concessions in order to resolve the conflict with the Palestinians, as demonstrated by the military withdrawal from the Gaza Strip.

2. During the withdrawal from Gaza and large parts of Samaria between mid-August and mid-September, a Jewish population in excess of 8,000 had been evacuated. His Government had undertaken improvements to the Karni border crossing between Gaza and Israel, which had facilitated the export of Palestinian products into Israel, and had reduced the level of unemployment in Gaza by 8.5 per cent in the second quarter of 2005 compared to the equivalent quarter the previous year. Over the past year, Israel had removed almost 40 per cent of the roadblocks and checkpoints, facilitating the movement of persons and goods and reducing unemployment in the West Bank. Those were also Israeli practices affecting the human rights of the Palestinian people. There was currently a sense of cautious optimism on the ground. The report of the Special Committee (A/60/380), however, presented a biased and anachronistic picture of the situation in the region.

3. The investigations of the Special Committee involved a shameful waste of resources. However, even if the work of the Special Committee involved no costs, Israel would oppose the one-sided and contentious mandate of a body the very name of which established, a priori, the conclusions of its purported investigation. The fact that only some 45 per cent of the Fourth Committee's membership regularly voted to renew the Special Committee's mandate was indicative of the international community's view of its work.

4. The approach to the issues featured many imbalances. In terms of cost, during the biennium 2004-2005 United Nations expenditure, combined with money from extrabudgetary resources, had resulted in an average annual per capita support of $345 to the Palestinians living in the West Bank and Gaza, in contrast to per capita support of $118 to refugees elsewhere in the world. It was standard practice to investigate equally and objectively all violations by all relevant parties and he believed that no one would contend that the Palestinian Authority was innocent of numerous human rights violations. He wondered, therefore, why the mandate of the Special Committee covered the investigation of only one side of the conflict.

5. His Government had demonstrated its commitment to peace. The termination of Israeli control over the Gaza Strip had enabled the Palestinian Authority to assume responsibility for its citizens' well-being through economic, social and institutional development. The ultimate test of the Palestinian leadership would be whether it fulfilled its obligation to put an end to terrorism, and ceased the culture of incitement and indoctrination of hatred towards Israel.

6. **Mr. Djacta** (Algeria) said that the work of the Special Committee, which was the only body through which the international community was able to expose Israel's crimes in the occupied Arab territories, was based on human rights standards defined in United Nations instruments. Israel had been opposed to the Special Committee since its inception; it continued to refuse it access to the occupied Arab territories and was defying the entire United Nations system. The international community should enable the Special Committee to carry out its mandate effectively by visiting the occupied territories.

7. The report described the brutality of Israel's military campaign against the Palestinian people over the past five years, which had involved excessive and disproportionate use of force and made a policy of targeted extrajudicial killing. No category of the population was spared from violence.

8. The hopes raised by the announcement of Israel's withdrawal from Gaza were disappointed by its continuing policies concerning the settlement of the West Bank and the construction of the wall. He echoed the views expressed in the report that it was becoming increasingly difficult for the international community to keep abreast of the violations committed by Israel owing to their sheer scale, and that the tragic violation of the fundamental rights of the Palestinians and other Arabs living in the occupied Syrian Golan should be

more extensively reported by the international media. During the period covered by the report, the occupying forces had destroyed a substantial part of the infrastructure, dwellings and agricultural land in the Occupied Palestinian Territory. The severe restrictions placed on the movement of goods and people, including humanitarian personnel, had effectively immobilized and isolated the Palestinians and led to the collapse of the economic, social, educational and cultural life of the local population.

9. The new Nationality and Entry into Israel Law, which had damaging implications for family life, had raised concerns under the terms of the International Convention on the Elimination of All Forms of Racial Discrimination. The illegal campaign of settlement, confiscation of Palestinian lands and colonization was continuing despite the terms of the road map and the assurances given by the Israeli Government. It had led to violations of international law and international humanitarian law under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and the 1977 Protocol, which described such acts as war crimes. The construction of the separation wall, which constituted a further war crime against the Palestinian people, had had a profound impact on the social fabric of the Palestinian communities, and was one of the most visible signs that the occupied Palestinian territories were being turned into a vast open-air prison. The contempt and arrogance with which Israel had greeted the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, to the effect that the wall was illegal and damages should be paid, were further evidence of its decision to live outside the norms of humanitarian law.

10. The finding in the report that hopes for progress in the Occupied Palestinian Territory were tending to vanish in the face of persistent negative factors was sadly true. Israel's claim to be acting in self-defence was merely an excuse to defend its occupation of Palestinian and Syrian territories since 1967. The international community should require Israel to explain how the annexation of territories and the establishment of settlements constituted self-defence. It was clear that peace in the region was dependent on the implementation of the relevant resolutions of the Security Council and respect for the principle of land for peace.

11. **Mr. Maleki** (Islamic Republic of Iran) said that, although it had as usual been denied access by the occupying Power, the Special Committee had shown clearly in its report how the Israeli regime's continuing military campaign against the Palestinian people had in 2005 again resulted in enormous loss of life, misery and destruction, and created a worsening humanitarian emergency among the defenceless civilians in the Occupied Palestinian Territory and the occupied Syrian Golan.

12. Women and children were the particular victims of discrimination, widespread poverty, unemployment, home demolitions, food shortages, inaccessible health care and other shrinking social services, leaving them prone to psychological disorders. Palestinian children knew no language other than violence in their play, in their families and in community life. The risks that children and young people faced simply to get to schools or universities, and the general restrictions on movement, were affecting their academic achievements; those labelled as activists were no longer given permission to study abroad. Education, which used to be the backbone of Palestinian survival, had been deliberately targeted. Indeed, Palestine had become a suffocating open-air prison for its people, although what happened there went largely unnoticed by the world media, especially in the West. Palestinian journalists themselves were still working under very difficult conditions, for they were denied the freedom of movement they needed. The United Nations should find a way of having events in the Occupied Palestinian Territory covered impartially so that people all over the world could be made aware of the true situation.

13. The separation wall was another major source of injustice. The wall was a means to achieve the Israeli goal of depriving the Palestinian people of their rights as a nation; having been recognized as a breach of international law, it must be dismantled.

14. His delegation wondered why those Western countries that were so quick to charge groundlessly that independent countries had committed human rights violations were closing their eyes to the catastrophe and human tragedy provoked in the Occupied Palestinian Territory by a lawless regime. The Special Committee, which was a valuable part of the United Nations system, must continue its regular investigation of Israeli practices and bring them to the attention of the international community.

15. **Mr. Camara** (Senegal) said that the Special Committee's report, in conjunction with other United Nations and non-governmental organization reports, presented solid evidence that the situation in the Occupied Palestinian Territory was worsening, despite recent encouraging political developments. The confiscation and demolition of Palestinian property, the arbitrary detentions, the restrictions on freedom of movement and expression and on the right to education were all serious human rights violations.

16. Israel currently occupied half of Jerusalem and thousands of illegal settlers were now living between the separation barrier and the 1949 Armistice line, or Green Line. The expansion of colonial settlements in East Jerusalem and the concomitant expropriation and expulsion of its Palestinian inhabitants were part of a plan to make all of Jerusalem a Jewish city.

17. The occupying Power's deplorable new strategies were tearing the social fabric, paralysing the Palestinian economy and plunging the great majority of Palestinians into endemic poverty, and they had succeeded in creating an economic crisis characterized by the World Bank as one of the most serious recessions of recent times.

18. The separation wall was placing a further grievous burden on the Palestinian people and his delegation called upon Israel to comply fully with the advisory opinion of the International Court of Justice and dismantle the wall.

19. In his report, the Special Rapporteur of the Commission on Human Rights on the human rights situation in the Palestinian territories occupied since 1967 (A/60/271) had also noted that the building of the wall and the restrictions on Palestinian freedom of movement were flagrant violations of human rights and humanitarian law. Thousands of Palestinians had died since the beginning of the latest uprising; thousands more had been wounded and others were being tortured or treated inhumanely in detention.

20. As the Special Committee had recommended, the international community must find a suitable way to persuade Israel to renounce its illegal occupation of Palestinian lands and leave the Palestinian people free to exercise their legitimate rights. The Palestinian Authority could not be asked to introduce needed institutional reforms and security conditions while the occupying Power was deliberately violating the Palestinian people's rights and systematically destroying their heritage. Since Israel was not implementing the road map, which offered the surest way to a comprehensive and definitive settlement of the question of Palestine, the members of the Quartet should redouble their efforts to persuade both sides to return to that path.

21. His delegation supported the recommendations in the Special Committee's report. The Special Committee and all those working with it — refugee groups, Palestinian and Israeli non-governmental organizations and the media — should become ardent advocates of the peace process and persuade the public to embrace it, while at the same time helping to safeguard the rights of innocent civilians in the Occupied Palestinian Territory.

22. **Ms. El Alaoui** (Morocco) said that, once again, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had submitted its report (A/60/380) but, as in previous years, without having been able to visit the occupied territories. The serious consequences of the continuing construction of the wall being built by Israel in Palestinian territory was a notable feature both of the report of the Special Committee and of that of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/60/271). As the Special Committee had stated in its report, there was a common feeling that Palestine was suffocating and going through a kind of silent death, unnoticed by the entire world.

23. The short-lived hope of achieving a just settlement of the Palestinian question as a result of Israel's unilateral withdrawal from the Gaza Strip had evaporated as a result of its continuing policy of arrest, blockade and collective punishment. Israel was also continuing to build the separation wall, expanding its settlements and obliterating the Palestinian character of Jerusalem.

24. The Israeli withdrawal and the removal of the illegal settlements in the Gaza Strip had been a step in the right direction towards a just and peaceful settlement of the issue, but Israel's failure to take account of the concerns of the Palestinians and its continuing policy of prohibiting movement, closing down territory and establishing checkpoints, in addition to the dire economic and social condition of

the inhabitants of East Jerusalem, 75 per cent of whom were living below the poverty line, had mitigated their impact.

25. There were disagreements about the approach to the Israeli-Palestinian conflict but there was full support for the establishment of two States, Israel and Palestine, living side by side in peace and security. As the Special Rapporteur had stated in his report, that vision would be unattainable without a viable Palestinian territory, and the construction of the wall, the expansion of settlements and the de-Palestinization of Jerusalem were incompatible with the two-State solution.

26. In view of the lack of international attention, the human rights situation in the occupied Syrian Golan was continuing to deteriorate; settlements were being expanded, Israel was seizing water resources and continuing its policy of arrest and detention and was obliterating the Arab cultural identity of the Syrian inhabitants of the Golan. The Special Committee's report also referred to the continuing policy of the occupying Power of burying its nuclear waste in part of the occupied Golan, thereby presenting a potentially catastrophic environmental threat.

27. Her delegation hoped that there would be a real political will to live in peace and stop the cycle of violence, that obligations would be fulfilled in accordance with the road map, and that United Nations resolutions would be complied with.

28. **Mr. Assaf** (Lebanon) said that the report of the Commissioner-General of UNRWA (A/60/13) and that of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/60/380) confirmed that Israel was violating the most elementary rules of international law, including the Convention on the Privileges and Immunities of the United Nations, the Universal Declaration of Human Rights and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, as well as the relevant resolutions of the Security Council and the General Assembly.

29. The ordeal of the Palestinian refugees had been continuing for 57 years and about 4.3 million Palestinians lived as refugees in the West Bank and the Gaza Strip, Lebanon, Jordan and the Syrian Arab Republic, and 400,000 Israeli settlers were living in 200 settlements in the West Bank and East Jerusalem, and in various parts of the Occupied Palestinian Territory.

30. Refugee status was itself a major human tragedy and a violation of Palestinian human rights, entailing, as it did, expulsion, suffering and forced displacement. It was also a political and legal issue involving denial of the right of refugees to their property and the violation of their inalienable right to return. Israel continued to refuse to allow the refugees to return to their homes in violation of General Assembly resolution 194 (III) and Security Council resolution 237 (1967), and was continuing to build settlements in the West Bank in violation of Security Council resolution 465 (1980), which declared that the settlements were illegal and constituted an obstruction to achieving peace.

31. The financial situation of UNRWA was a matter of great concern. If one divided the total budget of UNRWA by the number of refugees, it appeared that the sum available amounted to 25 cents per refugee per day. Israel was refusing to return port dues totalling $21 million and was arresting, detaining and firing at UNRWA officials and hindering their freedom of movement in the Occupied Palestinian Territory, stopping their vehicles and obstructing their relief work.

32. Palestinians in Lebanon constituted about 10 per cent of the total number of refugees and 10 per cent of the population of Lebanon. As mentioned in paragraph 38 of the report of the Commissioner-General of UNRWA (A/60/13), the Government of Lebanon, in full cooperation with the legitimate Palestinian Authority, had begun to take a series of measures that would improve the situation of the refugees and afford them access to the Lebanese labour market, on the one hand, and regularize their security situation, on the other. The Lebanese position was that the Palestinian refugees should return to their homes and not settle in Lebanon because the refugees themselves wished to return to their homeland, because the refusal of settlement was enshrined in the Constitution of Lebanon and because the demographic balance would be upset if the refugees were to remain in Lebanon.

33. Occupation was one of the most repugnant breaches of human rights. Israel was continuing to occupy the West Bank and denying the Palestinians the right to self-determination and political independence.

It was also dismembering the West Bank, erecting obstacles and impediments and thereby denying the Palestinians the right to freedom of movement and the right to choose their place of residence. It was also continuing its policy of extrajudicial executions, killing Palestinians, arresting and imprisoning them, demolishing their homes, destroying property and bulldozing fields and crops.

34. Israel was continuing to construct the separation wall. The wall was 720 kilometres long and 90 per cent of it was inside the West Bank at a depth of up to 22 kilometres, dividing Palestinian towns and villages and making the life of their population almost impossible. According to one of the Secretary-General's reports to the General Assembly, the wall, if completed, would lead to the annexation of about 1,000 square kilometres of the West Bank. The International Court of Justice had declared the wall to be illegal and had called on Israel to demolish it and to compensate the Palestinians for the damage they had suffered, saying that the construction of the wall would hinder the establishment of the future Palestinian State.

35. The violation of human rights in the occupied Syrian Golan was no less serious than in occupied Palestine. Israel had occupied about 1,000 square kilometres of the Golan since 1967, expelling about half a million inhabitants and establishing 44 settlements inhabited by about 20,000 settlers. The remaining inhabitants of the Syrian Golan, numbering some 25,000, had been ill-treated by Israel which had imposed its citizenship on them, persistently refusing to rescind its decision of 1981 to impose its laws on the Golan, despite the adoption of Security Council resolution 497 (1981) which had declared that decision to be null and void.

36. The withdrawal of Israel from the Gaza Strip represented a step in the right direction but it should be complete and comprehensive and should continue in the West Bank and the other occupied Arab territories. His delegation hoped for a just and comprehensive peace and stressed the importance of the Arab peace initiative, which had offered peace, recognition and normal relations with Israel in exchange for withdrawal from the occupied Arab territories and the return of the refugees in implementation of the resolutions of international legitimacy.

37. **Ms. Brooker** (United Kingdom), speaking on behalf of the European Union and those aligned with it, welcomed the successful Israeli withdrawal from Gaza and parts of the northern West Bank, and commended Israel's armed forces and police for maintaining peace during the evacuation of settlers. Disengagement was a significant step towards implementing the road map, and positive steps had been taken on both sides. It would be vital, especially to the growth of the Palestinian economy, for an agreement to be reached on access to Gaza for people and goods through land borders, a port and an airport. Contacts and coordination between the parties at all levels should be intensified.

38. The European Union unreservedly condemned the recent terrorist attacks on Israel, as well as the further violence perpetrated by Palestinian militants. While Israel had the right to protect its citizens against terrorist attacks, it should act with restraint and refrain from extrajudicial killings, which were contrary to international law. It was essential that the Palestinian Authority should take full control of law and order in the occupied territories, act against Palestinian militants, and dismantle terrorist capabilities and infrastructure.

39. The European Union acknowledged the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. Israel must stop and reverse construction of the wall in the Territory, including in and around Jerusalem, which departed from the 1949 Armistice Line and undermined Palestinian trust in the road map, and could prejudge the borders of a future Palestinian State.

40. Israel must cease all activities in the Palestinian territories which were contrary to international law, including the building of settlements, the construction of the wall and the demolition of Palestinian homes, particularly in and around East Jerusalem. All discriminatory treatment of Palestinians in East Jerusalem must cease, especially concerning work and building permits, access to education and health services, house demolitions, taxation and expenditure.

41. It was important that Israel should facilitate the forthcoming elections for the Palestinian Legislative Council, which would be an essential element for progress in the peace process.

42. The European Union reaffirmed its commitment to a just, comprehensive and lasting settlement based

on Security Council resolutions 242 (1967) and 338 (1973).

43. **Mr. Song** Se Il (Democratic People's Republic of Korea) said that the question of Palestine encompassed not only the right of the Palestinian people to regain their land, their national identity and their right to life, but also the whole issue of peace in the Middle East. Israel's occupation, oppression and expansionism in Palestine and other Arab territories were giving rise to great international concern. In order to settle the issue to the satisfaction of the Arab people in the Middle East, it was essential to take account of their legitimate rights and demands. The dismantling of Jewish settlements in parts of the West Bank and the Gaza Strip, undertaken as a result of international pressure, was a welcome development. That withdrawal should be the first step towards a complete withdrawal by Israel from all the Arab territories it occupied.

44. He expressed his Government's full solidarity with the Palestinian people as they sought a solution, in accordance with United Nations resolutions and international law, that would restore to them their national rights, including the right of return to their homeland and the establishment of an independent State with Jerusalem as its capital.

45. **Mr. Gebreel** (Libyan Arab Jamahiriya) called on the international community and the United Nations to exert pressure on Israel to cooperate with the Special Committee, which was endeavouring to bring the Israeli occupation of all Arab territories to an end. Since the establishment of the Special Committee 37 years previously Israel had consistently refused to cooperate with it or even to respond to its requests, and the situation in the occupied territories had remained unchanged: the blockade was still in existence and thousands of Palestinians, including women and children, remained in prison. As the report of the Special Committee (A/60/380) showed, extrajudicial killings were still taking place, houses were being destroyed, land was being bulldozed and trees were being uprooted. In recent years there had been a further deterioration of the situation, particularly since the construction of the separation wall had begun and despite the advisory opinion of the International Court of Justice and the General Assembly resolution which had called on Israel to abide by its legal obligations and to cease the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem.

46. The Libyan Arab Jamahiriya supported the efforts of the Palestinian people to regain their inalienable rights and was surprised that some people overlooked the disparity between the two sides. It appealed to both parties to exercise restraint.

47. It was clear that the Israeli authorities were endeavouring to alter the nature of the city of Jerusalem and to expel its Palestinian inhabitants in order to carry out their plan of Judaizing the City. The Special Committee had become aware of various negative factors, including the existence of a secret Israeli plan to dramatically change the character of the city of Jerusalem and to put into effect a deliberate policy of curtailing the ability of Palestine to become a fully fledged nation State. In that connection, he warned that any aggression against the holy places, whether Islamic or Christian, particularly the Al-Aqsa mosque, would have serious consequences extending far beyond the region.

48. The situation in the occupied Syrian Golan was similar to that in the Occupied Palestinian Territory. Nuclear waste had been buried, mines had been laid, the resources of the Golan had been exploited and the settlements had been expanded, all of which showed Israel's true intentions and its attitude towards the peace process and the resolutions of the international community. That had been confirmed by Israeli officials, most recently by the Minister of Defence, who had said that the Golan would remain forever under Israeli control. His delegation called for the implementation of all the resolutions relating to the Syrian Golan, including Security Council resolution 497 (1981) which should be applied in its entirety and without any double standards. His delegation supported the Special Committee's recommendation that the General Assembly should think of innovative ways to fulfil its responsibility with respect to all aspects of the question of Palestine. Any reform of the General Assembly should include the implementation of all its resolutions; that would avoid the necessity for repeating them.

49. **Mr. Almaabri** (Yemen) said that the building of the separation wall was a violation of human rights in that it broke up the Palestinian territory and converted it into an isolated enclave. The wall impeded freedom of movement in the Palestinian territory, swallowed up large areas of the territory and separated East Jerusalem from the West Bank. The ongoing destruction of houses and infrastructure and the

expansion of the settlements was increasing the suffering of the Palestinian people. Israel had prevented the Palestinians from constructing a port and had rejected the advisory opinion of the International Court of Justice concerning the wall. The hopes of further positive development following the abandonment by Israel of its settlements in Gaza had been dashed because of the expansion of settlements in the West Bank, East Jerusalem and the occupied Syrian Arab Golan as indicated in the report of the Special Committee (A/60/380) and in the statements of many delegations which had called on Israel to comply with international treaties, particularly the Fourth Geneva Convention. They had stressed the need for Israel to reconsider its settlement policies, to stop the ongoing expansion of its settlements and to put an end to its strategy of destruction and violence and heed the voice of reason and the advisory opinion of the International Court of Justice with respect to the wall, which constituted an obstacle to the attainment of a final settlement. The Israeli policies were preventing the Palestinian Authority from assuming its obligation to take control of the security situation, and from reconstructing and reviving the economy so as to create an environment conducive to the return of the parties to negotiations in order to resolve the situation.

50. Failure to heed those requirements would only serve to increase tension and the likelihood of a return to the cycles of violence and counter-violence. There was a need to reconsider plans, programmes and policies in order to devise strategies to build a lasting and comprehensive peace based on the right of the people of the region to live together in accordance with the resolutions of international legitimacy.

51. **Mr. Mwaala** (Namibia) observed that, while others were questioning justification for the Special Committee, his delegation believed that its mandate was still valid and that it was doing commendable work under very difficult conditions. It must continue to expose Israel's inhuman policies and activities in the occupied territories as long as the illegal occupation continued. Instead of denying the Special Committee access to the territories, the Israeli Government should allow it to work without hindrance.

52. The humanitarian and human rights situation was deteriorating and was the basic source of tension in the Middle East. Violence continued unabated, claiming innocent lives. Over the previous five years, almost 4,000 Palestinians had been killed in extrajudicial executions, and the figures rose daily.

53. Israel's construction of the separation wall in the Occupied Palestinian Territory, which had been declared by both the International Court of Justice and the General Assembly to be in violation of international law, violated every single Palestinian right. Although Israel's unilateral withdrawal from Gaza was viewed as a positive move, it was not in conformity with the road map, which offered the only realistic and viable two-State solution.

54. All the measures being taken by Israel were aimed at changing the physical character, demographic composition, institutional structure and status of the Palestinian territories, thus violating the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and constituting a serious impediment to peace in the Middle East.

55. The Palestinian people had been denied their right to self-determination, their right to freedom of movement and all the rights guaranteed under the International Covenant on Civil and Political Rights. They were being subjected to collective punishment and systematic humiliation by the occupying Power. The people of Palestine looked to the United Nations to come to their rescue.

56. **Mr. Tarar** (Pakistan) said that, having welcomed the withdrawal of Israeli troops from Gaza as a move that would lead to similar action in the West Bank and other occupied Palestinian territories and having hoped that it would also set the stage for constructive engagement between the new Palestinian leadership and Israel, his delegation noted with great concern the resurgence of violence in recent weeks, which could have serious implications for the peace process.

57. The continuation of the grave human rights violations in the Occupied Palestinian Territory, as detailed by the Special Committee in its report, was disturbing, particularly the ongoing construction of the security wall, which was seriously hampering the movement of Palestinians. The new settlements and the conflict between the settlers and the Palestinians were also worrisome, as were the difficulties the Palestinians were experiencing in getting access to health facilities, electricity, water, and education. There was an urgent need to put an end to the extrajudicial executions of Palestinian civilians, the continued imprisonment of thousands and the persistence of torture. The situation

in the occupied Syrian territory was also a matter of concern.

58. Pakistan had always been steadfast in its support for the Palestinian cause and the right of the Palestinian people to a homeland of their own. The implementation of the road map and a negotiated two-State solution would allow an independent, sovereign and territorially contiguous Palestinian State to exist side-by-side with Israel in peace and security. All the parties involved should respect their obligations under international law and shun violence, as a prerequisite for peace. The international community should continue to play the role of fair adjudicator and mediator in that process of reconciliation, and in the meantime it must be generous in providing financial assistance to strengthen the Palestinian Authority and enable the Palestinian people to combat their myriad socio-economic problems.

59. **Mr. Kanaan** (Observer for the Organization of the Islamic Conference) said it was regrettable that Israel continued to refuse to cooperate with the Special Committee; its work must nevertheless continue so long as the Israeli occupation of Palestinian and Arab territories and the violations of the human rights of the Palestinian people and the Syrian citizens of the Golan continued. The report of the Special Committee (A/60/380) clearly illustrated Israel's disregard for human rights, in violation of international law, international humanitarian law and the relevant international resolutions.

60. Israeli violence against Palestinian civilians, in violation of article 147 of the Fourth Geneva Convention, was well-documented in the report (paras. 82-90). He expressed concern, in particular, about reports from B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, concerning the Israeli forces' no-prisoner policies under which assassinations were carried out in the guise of arrest operations.

61. Since Israel's withdrawal, the Gaza Strip had been subjected to attacks and collective punishments and it was clear that Israel's real objective in its unilateral disengagement from the Gaza Strip was to divert attention from the deteriorating human rights condition in the Occupied Palestinian Territory, including East Jerusalem, and to create a de facto situation favourable to it. He stressed that Israel remained the occupying Power in the Gaza Strip since it continued to maintain effective control over land, air and sea around the Strip.

62. Collective punishments, including restrictions on movement and the demolition of Palestinian homes and infrastructure, continued in the West Bank, in violation of articles 33 and 53 of the Fourth Geneva Convention. Contrary to Israel's claim that the route of the barrier wall was based solely on security considerations, the main consideration was to place certain areas intended for settlements inside the wall. Israel's policy of restricting the right of Palestinians to move freely and preventing them from accessing roads used by Jewish settlers and other Israelis in the West Bank was tantamount to apartheid. Israel's objective appeared to be to achieve total separation between the two populations within a year or two.

63. Israel's policy of closures, curfews and checkpoints subjected Palestinians to long hours of waiting, search and humiliation. As of the end of 2004, in violation of article 76 of the Fourth Geneva Convention, nearly 7,500 Palestinian detainees continued to be held in Israel under extremely poor conditions and were denied even basic rights. Israel also continued to accelerate the Judaization of the City of Jerusalem, altering its legal status and demographic character and isolating it from the rest of the Occupied Palestinian Territory. It also continued to limit the number of Palestinian worshippers allowed access to the Al-Aqsa Mosque. Other religious provocations included Israel's decision to allow by force the entry of non-Muslims, including hostile extremists, to Al-Haram Al-Sharif.

64. The report of the Special Committee illustrated the deteriorating human rights situation in the occupied Syrian Golan (paras. 102-115). Israel continued to build and expand illegal settlements, tighten its grip on water and natural resources and detain Syrian citizens in its jails. The Organization of the Islamic Conference had repeatedly condemned Israel's refusal to comply with Security Council resolution 497 (1981), and its flagrant violations of international law, the Fourth Geneva Convention and the relevant United Nations resolutions.

65. The root cause of the conflict in the Middle East was the continued illegal Israeli military occupation of the Palestinian territories, including East Jerusalem, and of the Syrian Golan. The Conference reaffirmed its support for a comprehensive peace process, which

should include the complete withdrawal by Israel from all the occupied territories and the establishment of a viable and sovereign Palestinian State, with East Jerusalem as its capital.

66. **Ms. Rasheed** (Observer for Palestine), speaking in exercise of the right of reply to the statement made by the representative of Israel, said it was offensive for the representative of Israel to question the need for the Special Committee or to suggest that its work was a waste of valuable resources. The Special Committee played an important role in detailing Israeli violations of the rights of the Palestinian people and she recalled that General Assembly resolution 59/121 requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967. Israel's occupation had continued for 38 years, and only an end to that occupation and to Israeli violations of the human rights of the Palestinian people and Israeli colonialism would justify terminating the Special Committee's mandate. No delegation looked forward to that day with greater hope or anticipation than her delegation and she wondered what resources could have been saved if Israel had complied with international law and the relevant United Nations resolutions.

67. As for the unilateral Israeli withdrawal from the Gaza Strip, she said that, while any withdrawal was positive, realistically speaking there had been a high human cost for 38 years of occupation, and that the current situation, which was characterized by a lack of infrastructure, social services and economic prospects, was catastrophic. Effective control over land, air and sea routes around the Gaza Strip meant that legally speaking Israel was still the occupying Power.

68. Unresolved issues included that of Israeli settlements and the separation wall in the occupied West Bank. The Palestinian people wanted peace, but could not allow Israel to distort the representation of the real situation on the ground. In order to create an environment conducive to peace, the occupying Power must end its occupation, as well as its violations of international law and resolutions, its abuses and its territorial expansion.

69. *Mr. Aliyev (Azerbaijan), Chairman, took the Chair.*

Agenda item 27: Assistance in mine action (*continued*) (A/C.4/60/L.7/Rev.1)

Draft resolution A/C.4/60/L.7/Rev.1: Assistance in mine action

70. **Mr. Lake** (United Kingdom), speaking on behalf of the European Union, introduced the draft resolution on assistance in mine action (A/C.4/60/L.7/Rev.1), which identified progress made in addressing the challenges posed by mines and the explosive remnants of war, including the development of national mine-action capacities and international standards, as well as treaties and conventions, including their additional protocols where relevant. The draft resolution drew attention to the urgent need for efforts to eliminate land mines and the explosive remnants of war, given their social and economic consequences for the civilian populations of affected countries in particular.

71. The draft resolution urged all States that had the capacity to do so, as well as the United Nations, to help affected countries in responding to the challenges posed by the presence of mines and the explosive remnants of war and stressed the importance of reliable, predictable and timely contributions for mine-action activities and of the mainstreaming of mine action. It also declared that 4 April of each year should be officially proclaimed and observed as International Day for Mine Awareness and Assistance in Mine Action, in the hope of drawing attention to related challenges and the need for continued efforts in that regard. Given the good will and flexibility shown by all delegations during the negotiations, he hoped that the draft resolution would be adopted by consensus.

72. **Mr. Siv** (United States of America), speaking in explanation of his delegation's position, said that it would join the consensus, but noted that the draft resolution did not emphasize appropriately the partnership that must exist between donors and mine-affected States. For donor assistance to be truly effective, the States involved must produce clear strategic plans with defined priorities and measurable outcomes, and be transparent in their use of funds. The impact of the text was further weakened by ambiguous wording that made it unclear whether the use of all or only some types of mines should be curtailed.

73. The focus must remain on removing the threat of anti-personnel and anti-vehicle mines to civilian populations. In the past 15 years, thousands of acres of

land had been cleared, casualty rates had decreased, refugees had returned safely, and accident survivors had been rehabilitated. The United States was dedicated to removing the threat of landmines, having committed over $1 billion to mine action since 1993. It took pride in its bilateral assistance programmes and its support of innovative public-private partnerships. Scarce resources should be used where they would generate the highest returns and to that end, a strategy had to be devised to sustain the efforts of mine-affected countries and allow donors to know that funds were well spent. Mine-affected countries must be encouraged to move towards national ownership of their programmes. If Governments and donors worked together, the reality of a mine-free world could be achieved in years, not decades.

74. **The Chairman** announced that Bosnia and Herzegovina, the Czech Republic, Estonia, Ireland, the Netherlands, Norway, Slovakia and Spain had become sponsors of the draft resolution and that the Secretariat had informed him that it contained no programme budget implications.

75. *Draft resolution A/C.4/60/L.7/Rev.1 was adopted.*

76. **Mr. Gidor** (Israel), explaining his delegation's position on the draft resolution just adopted, expressed strong support for the efforts of the General Assembly and Member States to strengthen mine action, especially with regard to countries directly affected. His Government had initiated and participated in regional and global efforts to address that issue, including mine clearance, awareness-raising and the rehabilitation of victims and it continued to seek ways to strengthen its mine-action assistance. It therefore supported the fundamental goals of the draft resolution.

77. He expressed reservations, however, with regard to the language in the eighth preambular paragraph referring to non-State actors. It was the position of his delegation that mines used by non-State actors represented the primary humanitarian risk for innocent civilians. Non-State actors must therefore be denied the use of mines, and it was incumbent on Member States to take any necessary steps to prevent the transfer or use of mines by non-State actors and to make such transfer or use illegal. That was particularly important for States in regions of conflict. He hoped that that position would be reflected more strongly in future draft resolutions on the subject.

The meeting rose at 12:30 p.m.